

force of the Foundation Agreement in accordance with the procedural provisions in this Constitution regarding the Senate.

3. No later than ten calendar months after entry into force of the Foundation Agreement, the senators and deputies shall be elected in accordance with this Constitution. The newly elected Parliament shall assume its functions one year after entry into force of the Foundation Agreement.

Article 40 *Transitional Head of State*

1. For a transitional period of thirty calendar months, the office of the Head of State shall be vested in the Co-Presidency.
2. Upon entry into force of the Foundation Agreement, the Greek Cypriot leader and the Turkish Cypriot leader shall become Co-Presidents of the United Cyprus Republic. Each constituent state legislature, as soon as it is constituted, shall confirm the Co-President from its constituent state or elect another person to the office.
3. In case of resignation or permanent incapacity of either leader, the legislature of the relevant constituent state shall elect a replacement. If such resignation or incapacity occurs before the legislature of the relevant constituent state has been elected, the most senior judge from that constituent state selected for or appointed to the Supreme Court shall assume the role of Co-President.
4. The Co-Presidents shall alternate every calendar month in representing the Co-Presidency as Head of State.

Article 41 *Transitional federal government*

1. The Co-Presidents shall exercise the executive power during the first year of the transitional period in accordance with the relevant provisions for the Presidential Council. They shall act and decide by consensus.
2. The Co-Presidents shall name six Cypriot citizens to head the federal government departments during the first year of the transitional period. The heads of departments shall be confirmed by Parliament through simple majority. They shall exercise the functions of the executive, which the Co-Presidents shall delegate to them, in accordance with the procedures provided for in this Constitution for the Presidential Council.
3. One year after entry into force of the Foundation Agreement, the newly elected Parliament shall elect a Council of Ministers composed of six members. The provisions of this Constitution for the Presidential Council shall apply *mutatis mutandis* to the election, functioning and powers (other than those vested in the Head of State) of the Council of Ministers.
4. During a second phase of the transitional period, the Council of Ministers shall act as the Government of the United Cyprus Republic while the

functions of Head of State shall continue to be vested in the Co-Presidency.

5. Thirty calendar months after entry into force of the Foundation Agreement, the Council of Ministers shall become the Presidential Council in accordance with the provisions of this Constitution, assuming also the function of Head of State, for a remaining three and a half years, during which time the rotation period for the offices of President and Vice-President shall be seven months.

Article 42 *Participation of executive heads of constituent states in meetings of Presidential Council*

During the first ten years after entry into force of the Foundation Agreement, the executive heads of the constituent states shall be invited to participate without a vote in meetings of the Council of Ministers and, later, the Presidential Council.

Article 43 *Entry into force of accession treaty to the European Union*

The referenda approving, together with the Foundation Agreement, the conditions of accession of Cyprus to the European Union, shall authorise and oblige the Co-Presidents to sign and ratify the Treaty of Accession of Cyprus to the European Union.²³

Article 44 *Transitional Board of the Central Bank*

The members of the transitional Board of the Central Bank ~~selected in accordance with Appendix B of the Comprehensive Settlement~~ shall assume their functions immediately upon entry into force of the Foundation Agreement and shall remain in office for 15 calendar months, when they shall be replaced by the Board appointed in accordance with the provisions of this Constitution by the Council of Ministers elected by the two chambers of Parliament. The transitional Board shall exercise the powers provided for the Board in the Constitution until the regularly appointed Board takes office.

Article 45 *Judges of the transitional Supreme Court*

1. The judges of the transitional Supreme Court ~~selected in accordance with Appendix B of the Comprehensive Settlement~~ shall assume their functions immediately upon entry into force of the Foundation Agreement and shall remain in office for 15 calendar months, when they shall be

²³ **Observation:** It is understood that given the mandate of the people expressed in separate referenda to sign and ratify the Treaty of Accession, either of the Co-Presidents is empowered to execute the common will of the people of the two constituent states on behalf of Cyprus.

replaced by the judges appointed in accordance with the provisions of this Constitution by the Council of Ministers elected by the two chambers of Parliament. The transitional Court shall exercise the powers provided for the Supreme Court in the Constitution until the regularly appointed Supreme Court takes office.

2. **The Registrar, who shall be a non-Cypriot, and two Deputy Registrars of the transitional Supreme Court shall assume their functions immediately upon entry into force of the Foundation Agreement. They will remain in office for 15 calendar months, when they shall be replaced in accordance with the law.**

Article 46 *Public Service*

The Law shall specify implementation procedures and timeframes, not exceeding **three** years from the entry into force of the Foundation Agreement, for the full implementation of the provisions of this Constitution relating to the composition of the public service for the different branches of that service.

Article 47 *Responsibility for debts incurred prior to the entry into force of the Foundation Agreement*

1. As a matter of principle, debts incurred between 1964 and the entry into force of the Foundation Agreement shall be serviced and paid by the constituent state whose population benefited from the relevant loan. If a loan was used for public works and infrastructure which, after entry into force of the Foundation Agreement, benefit the whole of Cyprus, the relevant debt shall be serviced and paid by the federal government. The same applies to debts incurred prior to 1964 and their refinancing.
2. The federal government shall ~~however~~ assume responsibility for all external debts ~~incurred prior to the entry into force of the Foundation Agreement~~ other than debts to Greece or Turkey or debts from purchase of armaments, which shall be assumed by the relevant constituent state. The internal financial responsibility for servicing and repayment of such debts shall nonetheless be borne in accordance with the above paragraph. ~~Special majority law may provide for reimbursement of the federal government by the constituent states.~~

Article 48 *Treaties concluded prior to the entry into force of the Foundation Agreement*

1. During the first two years after entry into force of the Foundation Agreement, a constituent state may object to a particular treaty having been listed in the relevant Annex to the Foundation Agreement after the signature of the "Commitment to submit the Foundation Agreement for approval through separate simultaneous

referenda in order to achieve a comprehensive settlement of the Cyprus problem", or any reservation or declaration related to such treaty, on grounds of incompatibility with the Foundation Agreement. Such objection shall be addressed to the Co-Presidents or the Council of Ministers.

2. Upon receipt of such objection, the Co-Presidents or Council of Ministers shall within two weeks decide on the compatibility of the treaty with the Foundation Agreement. If they cannot reach a decision within that time, they shall immediately refer the matter to the Supreme Court which shall decide without delay.
3. Where in accordance with the procedure in paragraph 2 a treaty is determined to be incompatible with the Foundation Agreement, Cyprus shall denounce or otherwise terminate the treaty as soon as possible under international law.
4. Where in accordance with the procedure in paragraph 2 a determination is made that particular provisions of a treaty are incompatible with the Foundation Agreement and separable from the other provisions of the treaty, Cyprus shall seek a modification of the treaty. If the other High Contracting Party does not agree to the modification, Cyprus shall denounce or otherwise terminate the treaty as soon as possible under international law.
5. Upon request of either constituent state within six months of entry into force of the Foundation Agreement, the Co-Presidents may accord a transitional period for the application of a treaty in either constituent state where this seems appropriate, and shall inform the other High Contracting Party accordingly.
6. The Co-Presidents or Council of Ministers shall consider favourably a request by a constituent state during the first two years after entry into force of the Foundation Agreement, to modify a treaty concluded prior to the entry into force of the Foundation Agreement, so that it shall not apply to that constituent state, if
 - a. the scope of the treaty falls exclusively within the competence of the constituents states, and
 - b. the treaty is of a nature that would permit its application to only one of the constituent states.

If the Co-Presidents or Council of Ministers decide positively, they shall request the other High Contracting Party to modify the treaty accordingly. If the other High Contracting Party refuses such request, the treaty shall remain in force for the entire territory of the United Cyprus Republic.
7. If conditions (a) and (b) of paragraph 6 are fulfilled, and the treaty, in addition, is on commercial or cultural matters and thus is on a subject on which the constituent states may conclude agreements with authorities of States that have relations with the United Cyprus Republic, the Co-Presidents or Council of Ministers shall transmit

the request of the relevant constituent state unless there are mandatory reasons with regard to foreign affairs.

Article 49 *Teaching of official languages*

The mandatory teaching of the official languages of the United Cyprus Republic to all secondary school students prescribed in Article 8(4) shall commence no later than three years after entry into force of the Foundation Agreement.

Article 50 *State-owned property*

1. Public property, other than federal property listed in an attachment to this Constitution, is the property of the constituent state in which it is located.
2. The Co-Presidents and the executive heads of the constituent states shall agree on the list of federal property no later than three months after entry into force of the Foundation Agreement. Should they fail to agree, the transitional Supreme Court shall decide on this list based on representations by all interested parties. Such properties shall be considered as federal properties from the date of entry into force of the Foundation Agreement unless otherwise decided.

Article 51 *Economic transition and harmonisation*

1. In the first years after entry into force of the Foundation Agreement, federal economic policy shall give special attention to the harmonisation of the economies of the constituent states and the eradication of economic inequalities between them within the shortest possible time.
2. Without prejudice to the application of European Union law, the Foundation Agreement and the new state of affairs shall not be construed as altering rights enjoyed by businesspeople under import and/or distribution licenses prior to entry into force of the Foundation Agreement, and such licenses shall where possible be construed as licensing such persons to continue operating their businesses in their constituent state after entry into force of the Foundation Agreement.
3. Persons holding bank accounts in foreign currency in Cyprus upon entry into force of the Foundation Agreement shall be allowed to maintain such accounts after entry into force of the Foundation Agreement in accordance with the rules and regulations of the Central Bank.

4. Federal authorities shall accept book-keeping by private individuals and legal persons in Euros. The Central Bank shall issue regulations, in particular on applicable exchange rates.

Article 52 *International military operations*

Until the accession of Turkey to the European Union, the United Cyprus Republic shall not put its territory at the disposal of international military operations other than with the consent of Greece and Turkey, in addition to the consent of the governments of both constituent states.

Article 53 *Missing persons*

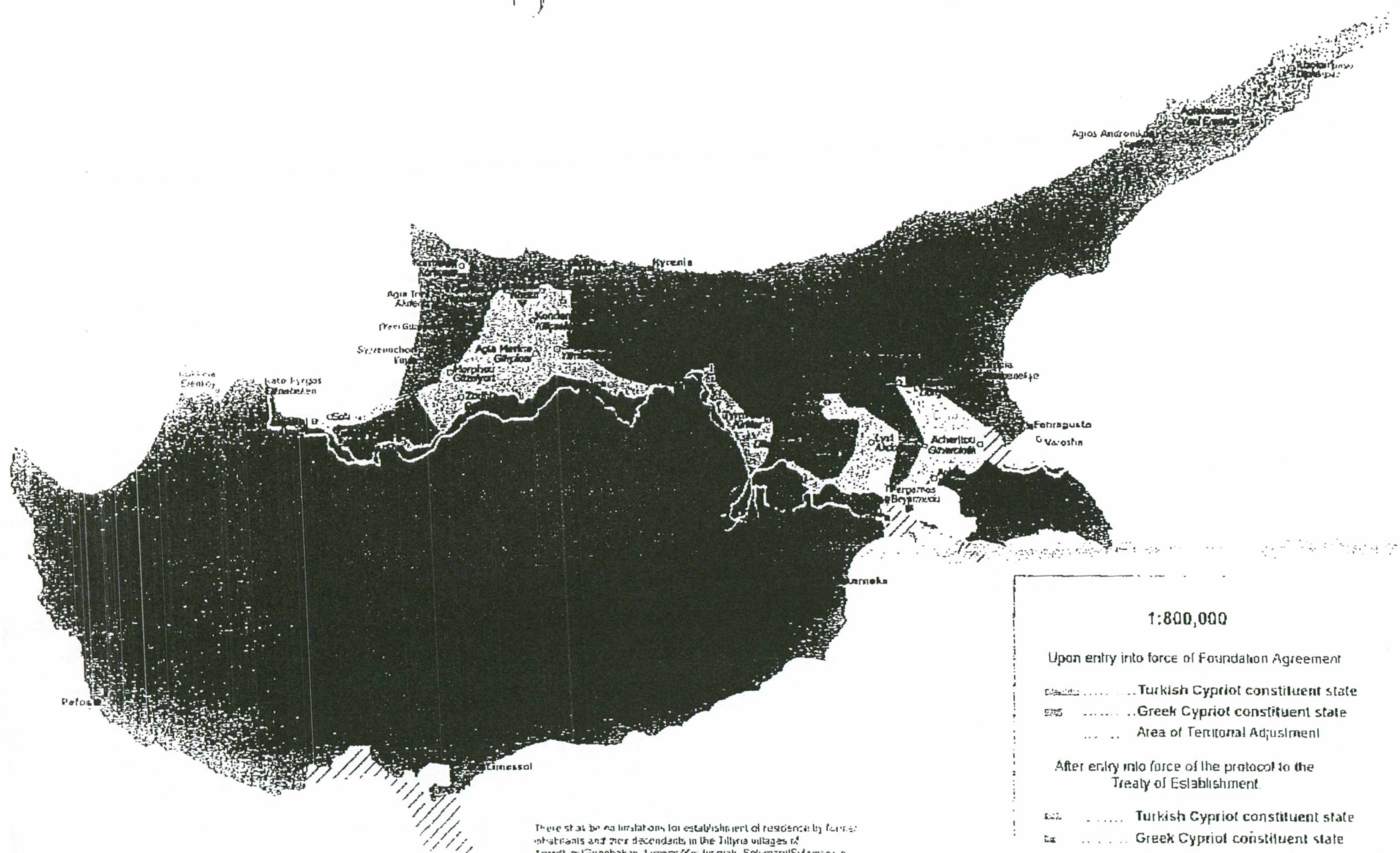
The executive heads of the constituent states shall without delay take steps to conclusively resolve the issue of missing persons. Both constituent states shall cooperate fully with the Committee on Missing Persons in Cyprus, in accordance with its terms of reference and keeping in mind the agreement reached between H.E. Glafcos Clerides and H.E. Rauf Denktash on 31 July 1997. Each constituent state shall carry out and conclude any and all necessary inquiries, including exhumations.

Part VIII: ADDITIONAL PROVISIONS

[insert further articles]

**ATTACHMENT 1: MAP OF THE UNITED CYPRUS REPUBLIC AND ITS
CONSTITUENT STATES**

[Map]



There shall be no limitations for establishment of residence by former inhabitants and their descendants in the Tillyria villages of Anadolou/Gunebakan, Limnos/Vestlyriaki, Selimani/Selamanye, Xeroi ouros/Kurutepe, Karavoutasi/Gemlikovagi, Agios Georgios/Madenlikoy and Vinkens/Erenkoy, the Mesoria villages of Pyla/Pila, Skyloua/Yunazkoy and Agios Vasilos/Turkeli and the Karpas villages of Ruzkarpas/Dokupaz, Agialousa/Yeni Lirakoy, Agia Trias/Sipahi, Mavromagala/Sidacay.

* Suggested section

1:800,000

Upon entry into force of Foundation Agreement

..... Turkish Cypriot constituent state
 Greek Cypriot constituent state
 Area of Territorial Adjustment

After entry into force of the protocol to the Treaty of Establishment

..... Turkish Cypriot constituent state
 Greek Cypriot constituent state
 Parts of SBAs to become part of The United Cyprus Republic

corresponding maximum level of property reinstatement

- per constituent state: 10%
 - per village or municipality: 20% except in Agialousa/Yeni Lirakoy, Agia Trias/Sipahi, Mavromagala/Sidacay and Rizokarpas/Dokupaz

[Map]

ATTACHMENT 2: FLAG OF THE UNITED CYPRUS REPUBLIC

[insert image of agreed flag]

ATTACHMENT 3: ANTHEM OF THE UNITED CYPRUS REPUBLIC

[insert agreed anthem]

ATTACHMENT 4: FEDERAL PROPERTY

[insert agreed list/description of federal property]

ANNEX II: CONSTITUTIONAL LAWS

The attachments of this Annex shall be Constitutional Laws upon entry into force of the Foundation Agreement, able to be amended in accordance with the Constitution.

**ATTACHMENT 1: CONSTITUTIONAL LAW ON THE ELABORATION AND
ADOPTION OF CONSTITUTIONAL LAWS**

[insert agreed text by no later than 25 March 2003. If agreement is not reached on indispensable provisions of this law by that date, the United Nations Secretary-General shall insert his suggestion for completing such provisions, which shall be put to referenda with the rest of the Foundation Agreement.]

**ATTACHMENT 2: CONSTITUTIONAL LAWS ON POLICE MATTERS AND
COMPOSITION AND FUNCTIONS OF THE JOINT
INVESTIGATION AGENCY**

[insert agreed text by no later than 25 March 2003. If agreement is not reached on indispensable provisions of this law by that date, the United Nations Secretary-General shall insert his suggestion for completing such provisions, which shall be put to referenda with the rest of the Foundation Agreement.]

Law 1: Constitutional Law on Constituent State Police

Article 1 Constituent state police

Each constituent state police may not number more than 700 police personnel plus six police personnel per thousand constituent state inhabitants.
constituent state police may only carry weapons appropriate for normal police civilian duties.

Law 2: Constitutional Law on the Joint Investigation Agency

Article 1 Joint Investigation Agency

There shall be a Joint Investigation Agency comprising federal and constituent state police personnel, hailing in equal numbers from each constituent state, and reporting to the federal Attorney-General. It shall combat terrorism, drug trafficking, money laundering and organised crime. It shall also investigate alleged violations of police duties by federal or constituent state police, or of Article 6(3) and (4) of the Constitution, upon request of any federal or constituent state authority.

Article 2 Cooperation

The Joint Investigation Agency and the federal police shall cooperate with each other and with the police of the constituent states pursuant to the Cooperation Agreement on police matters between the federal government and the constituent states.

**ATTACHMENT 3: CONSTITUTIONAL LAW ON INTERNAL CONSTITUENT
STATE CITIZENSHIP STATUS AND CONSTITUENT STATE
RESIDENCY RIGHTS**

[insert further agreed text by no later than 25 March 2003. If agreement is not reached on indispensable provisions of this law by that date, the United Nations Secretary-General shall insert his suggestion for completing such provisions, which shall be put to referenda with the rest of the Foundation Agreement.]

***Article 1 Internal constituent state citizenship status upon entry into
force of the Foundation Agreement***

1. Upon entry into force of the Foundation Agreement, Cypriot citizens shall hold the internal constituent state citizenship status of the constituent state which at that time administers the territory where they reside.
2. Persons residing, at the time of entry into force of the Foundation Agreement, in the Maronite villages of Agia Marina/Gürpınar, Asomatos/Özhan, Karpasha/Karpaşa and Kormakiti/Koruçam, the Mesaoria village of Pyla/Pile, Skylloura/Yilmazköy and Agios Vasilios/Türkeli, the Tillyria villages of Amadhies/Günebakan, Limnitis/Yeşilyirmak, Selemani/Suleymanıye, Xerovounos/Kurutepe, Karovostasi/Gemikonagi, Agios Georgios/Madenliköy and Kokkina/Erenköy, and the Karpas villages of Rizokarpaso/Dipkarpaz, Agialousa/Yeni Erenköy, Agia Trias/Sipahi, Melanarga/Adacay, Agios Andronikos/Yeşilköy, Agios Therisos and Leonarisso/Ziyamet may, within one year of that date, elect to have the internal constituent state citizenship status of the other constituent state.
3. Cypriot citizens residing abroad shall be afforded the internal constituent state citizenship status of the Greek Cypriot State if they or their forebears belonged to the Greek Cypriot community before 1974, or the internal constituent state citizenship status of the Turkish Cypriot State if they or their forebears belonged to the Turkish Cypriot community before 1974.

Article 2 Acquisition of internal constituent state citizenship status

1. Newborn children automatically acquire the internal constituent state citizenship status of their parents. If the parents have different internal constituent state citizenship status, the newborn child shall acquire both internal constituent state citizenship statuses, and shall choose one upon reaching the age of 18.

2. Persons acquiring Cypriot citizenship shall also acquire the internal constituent state citizenship status of the constituent state in which they reside, provided they have resided there for seven years preceding their naturalisation. If this requirement is not fulfilled, they shall acquire the internal constituent state citizenship status of the constituent state in which they have resided longer.
3. The constituent states may regulate the acquisition of their internal constituent state citizenship status by persons hailing from the other constituent state.
4. Any Cypriot citizen who has been resident in a constituent state for any seven consecutive years shall be entitled to apply to change his/her internal constituent state citizenship status to that of the constituent state where s/he resides.

Article 3 *Exercise of political rights at the constituent state level*

~~A constituent state may restrict, within the limits of European Union law and this Constitution, the exercise of political rights at its level to persons holding its internal constituent state citizenship status.~~

Cypriot citizens shall exercise political rights at the constituent state level at their place of permanent residence, regardless of their internal constituent state citizenship status. They shall be entitled to be included in the electoral rolls at such place of residency, without any discrimination, within six months of establishing permanent residence.

Article 4 *Supreme Court injunctions on entry or residence*

A constituent state may apply to the Supreme Court of Cyprus for an injunction barring a person who does not hold its internal constituent state citizenship status from entering or residing in that constituent state. The Supreme Court shall grant the injunction if the relevant person has been, or is actively engaged, in acts of violence or incitement to violence and his/her presence in that constituent state would be a danger to public safety or public order.

Article 5 *Permissible limitation on residency of non-Cypriots*

The constituent states may, within the limits of international law, European Union law and this Constitution, establish rules and regulations on establishment of residence by non-Cypriots more restrictive than federal rules and regulations.

Permissible limitation on residency of Cypriots



Article 6 *Permissible transitional limitations on establishment of residence*

1. A constituent state may, **until Turkey accedes to the European Union**, limit, on a non-discriminatory basis, the establishment of residence by Cypriot citizens who do not hold the relevant internal constituent state citizenship status.
2. **Permissible limitations include a moratorium on such residence during the first six years after entry into force of the Foundation Agreement. Thereafter, there may be limitations if the number of such residents has reached 7% of the population of a village or municipality between the 7th and 10th years and 14% between the 11th and 15th years. Thereafter, there may be limitations if the number of such residents has reached 21% of the population of the relevant constituent state.**
3. Within the permissible limit, priority shall be given first to persons to whom properties have been reinstated by order of the Property Board, and their families; second to other persons who were inhabitants of the relevant municipality or village before 1963 or 1974 respectively, and their families; and third to the heirs of either category of persons.
4. **Notwithstanding the above, two years after entry into force of the Foundation Agreement, there shall be no limitations on the right of return for:**
 - a. **any former inhabitant over the age of 65 and his/her spouse or one sibling (alone), regardless of the latter's age²⁴; or**
 - b. any former inhabitant and his/her descendant(s) in the Tillyria villages of Amadhies/Günebakan, Limnitis/Yeşilyirmak, Selemani/Suleymaniye, Xerovounos/Kurutepe Karovostasi/Gemikonagi, Kokkina/Erenköy, and Agios Georgios/Madenliköy, and the Mesaoria villages of Pyla/Pile, Skylloura/Yilmazköy and Agios Vasilios/Türkeli, and the Karpas villages of Rizokarpaso/Dipkarpaz, Agialousa/Yeni Erenköy, Agia Trias/Sipahi and Melanarga/Adacay.
5. No later than **20** years after entry into force of this Agreement, the federal government and the constituent states shall review **this Article** in light of experience.
6. Any restrictions on residence shall not prevent the freedom of movement throughout Cyprus, including the right of any Cypriot citizen to temporarily (i.e. no more than an average of three nights a week) stay or

²⁴ The constituent states shall favourably consider exceptional humanitarian cases such as adult children who have special needs or are otherwise dependent upon their parents.

holiday in their own properties or any other accommodation anywhere in Cyprus.

ANNEX III: FEDERAL LAWS

The attachments to this Annex shall be federal legislation upon entry into force of the Foundation Agreement, able to be amended in accordance with the Constitution.

**ATTACHMENT 1: FEDERAL LAW ON THE ANTHEM, FLAG, INSIGNIA
AND HONOURS OF THE UNITED CYPRUS REPUBLIC (AND
THEIR USE)**

[insert agreed text no later than 25 March 2003. If agreement is not reached by that date, the constituent states shall, *ad interim*, exercise the functions governed by this law, upon entry into force of the Foundation Agreement. A committee established by the Co-Presidents shall present a common draft of this law for approval by the transitional federal Parliament no later than 1 June 2003. The transitional Parliament shall resolve any outstanding issues regarding the law and adopt it no later than 1 July 2003. Should the law not be adopted by the transitional Parliament by the specified date, the Supreme Court shall decide on the unresolved issues giving due regard to the positions of both constituents and promulgate the law within six weeks of that date.]

ATTACHMENT 2: FEDERAL LAW ON CONDUCT OF EXTERNAL RELATIONS

[insert agreed text by no later than 25 March 2003. If agreement is not reached on indispensable provisions of this law by that date, the United Nations Secretary-General shall insert his suggestion for completing such provisions, which shall be put to referenda with the rest of the Foundation Agreement.]

Article 1 Composition of diplomatic missions of Cyprus

1. The heads of the diplomatic missions of the United Cyprus Republic to the United Nations in New York, the United Nations in Geneva, the European Union, Greece, Turkey, the United Kingdom, France, the United States, Russia and China shall hail in equal numbers from each constituent state. **The deputy heads of these missions shall hail from the other constituent state.**
2. This Article shall be fully implemented no later than three years after entry into force of the Foundation Agreement.

**ATTACHMENT 3: FEDERAL LAW ON CONDUCT OF EUROPEAN UNION
AFFAIRS**

[see separate document]

Foundation Agreement
Annex III, Attachment 3

**Federal Law on Conduct of
European Union Affairs**

The text of this Law is as provisionally agreed (subject to agreement of the political leaders) in the Technical Committee on Laws, save for highlighted parts which represent the suggestions of the United Nations to resolve outstanding issues.

A Law to make provision for the rules and procedures to be followed by the federal public authorities in conducting European Union Affairs.

It is hereby provided as follows:

Section 1 *Short title*

This Law may be cited as the "Federal Law on European Union Affairs".

Section 2 *Interpretation*

In this Law –

"Committee" means the Ministerial Committee of European Affairs established by virtue of section 6;

"Council" means the Council of the European Union;

"Group" means the Coordination Group established by virtue of article 5 of the Cooperation Agreement between the Federal Government and the Constituent States in European Union Affairs;

"member of the Committee" means a member of the Committee or his/her representative, where such representative is appointed by virtue of section 6;

"Minister of European Union Affairs" means the Member of the Presidential Council responsible for the federal Department, having, for the time being, responsibility in respect of European Union Affairs;

"Minister of Foreign Affairs" means the Member of the Presidential Council responsible for the federal Department, having, for the time being, responsibility in respect of Foreign Affairs.

Section 3 *Election of representatives of Cyprus to the European Parliament*

- 1) In accordance with the Protocol to the Treaty of Accession of Cyprus, the representatives of Cyprus in the European Parliament, shall be elected on a proportional basis. The constituent states shall be the electoral precincts; each constituent state shall elect no less than one third of the representatives of Cyprus in the European Parliament.
- 2) All citizens of the United Cyprus Republic and other European Union Member States shall, in accordance with Article 3 of the Council Directive 93/109/EC of 6 December 1993, exercise their right to vote and to stand as candidates at their place of permanent residence in Cyprus.

Section 4 *Position of Cyprus determined by the federal government*

In respect of European Union matters which fall, exclusively or predominantly, into an area of competence of the federal government, the federal government shall determine the position that Cyprus adopts within the institutions and organs of the Union.

Section 5 *Duty to inform Members of the Presidential Council*

- 1) The Department of European Union Affairs shall inform the Members of the Presidential Council without delay on all issues relating to European Union affairs in their respective areas of competence. This duty shall include the transmission of:
 - a) the agenda of the meetings of the Committee;
 - b) the agenda of the meetings of the Group, irrespective of whether the group meets under its consultative capacity or as a decision making body;
 - c) The agenda of the meetings of the IMCEUA¹;
 - d) documents, reports and notices of the institutions and organs of the European Union;
 - e) documents, reports and notices on informal meetings at ministerial level;
 - f) documents and information on cases pending before the Court of Justice and the Court of First Instance of the European Communities where Cyprus is one of the parties, as well as judgments rendered by these Courts in such cases;
 - g) reports prepared by the Permanent Representation of Cyprus to the European Union;
 - h) documents, reports and notices communicated by the federal government to the institutions and organs of the European Union; and
 - i) instructions and, wherever possible, draft instructions to the representatives of Cyprus in the Council of the European Union or in any of the said Council's preparatory bodies, on the position to be supported by Cyprus, where such position is to be determined in accordance with subsections (1) and (2) of section 8.

Section 6 Departmental Committee of European Affairs

- 1) A Departmental Committee of European Affairs is hereby established.
- 2) The Committee is composed, in addition to the Minister of European Union Affairs, who presides over it, of the Minister of Foreign Affairs and of one or two other members, who are appointed by the Presidential Council from among its own members, according to the agenda of the Committee.

Section 7 *Participation of public officers in meetings of the Committee*

Each member of the Committee may be represented by an officer of his/her Department and may be assisted by officers of any Department or public body concerned with an item on the Committee's agenda.

Section 8 *Meetings of the Committee*

- 1) The Committee meets as often as necessary and, in any case, at least once every two weeks and at any rate before any session of the Council.

¹ As defined in the Cooperation Agreement between the Federal Government and the Constituent States on European Union Affairs

- 2) The meetings of the Committee are convened by the Minister of European Union Affairs. The Minister of European Union Affairs shall promptly convene a meeting of the Committee when so requested by any Member of the Presidential Council.

Section 9 Determination of the position of Cyprus

- 1) Without prejudice to the provisions of subsection (3) and of sections 10 to 12 and 15, the position of Cyprus in the matters referred to in section 4 shall be decided by the Minister of European Union Affairs, acting in person or through officers of his/her department, who shall be acting under and in accordance with his/her instructions.
- 2) In determining the position of Cyprus as provided in subsection (1), the Minister of European Union Affairs shall request in due time the opinion of-
 - a) the federal authorities or public bodies, which are competent in respect of the matter under consideration; and
 - b) the constituent states, in accordance with the provisions of section 12.The Minister of European Union Affairs shall take into account such opinions given in due time.
- 3) The Minister of European Union Affairs may refer to the Committee any matter referred to in section 4. S/he shall refer to the Committee promptly any such matter, when so requested by another Member of the Presidential Council.

Section 10 Decision-making process within the Committee

If, in a given case –

- a) consensus is achieved among the members of the Committee, the case is forwarded by the Committee to the Presidential Council for decision;
- b) consensus is not achieved in time among the members of the Committee, the case is forwarded by the Committee to the Presidential Council for decision, with a report mentioning the discordant views and, where possible, solutions suggested to overcome them.

Section 11 Procedure in case of urgency

In case of urgency, the members of the Committee may consult with each other and achieve consensus without a formal meeting of the Committee. In such case, the decision shall be circulated and be signed.

Section 12 Presidential Council may delegate power to take decisions

The Presidential Council may delegate to the Committee the power to take final decisions on any of the matters referred to in section 4.

Section 13 *Procedure if a position decided by the Minister needs to be urgently adapted*

In matters referred to in section 4, the constituent states shall be consulted as follows:

- a) All matters for which the position of Cyprus is to be determined in accordance with the provisions of sections 9, 10 and 12, shall be included, under the heading "For Consultation", on the agenda of a meeting of the Group to be held prior to the date on which such position has to be determined. Due notice of such meeting shall be given to the constituent state by the Department of European Union Affairs. The representatives of each constituent state shall be given the opportunity, if present, to express their opinion on the subjects appearing on the agenda.
- b) In case of urgency, the constituent states may be consulted without a formal meeting of the Group.

Section 14 *Procedure for adaptation in the course of a meeting*

When the position of Cyprus is decided in accordance with the provisions of subsections (1) and (2) of section 9, and it needs to be urgently adapted in the course of a meeting of a European Union institution or organ, the respective representative of Cyprus shall immediately inform the Minister of European Union Affairs or a competent officer of the Department of European Union Affairs. If a revised decision cannot be obtained in time, the representative of Cyprus shall abstain, except in cases where s/he has received from the Minister of European Union Affairs and the Minister of Foreign Affairs or an officer of their respective Departments acting under and in accordance with their instructions, clear freedom to choose the position that will more likely address the general interests of Cyprus. In such circumstances, the vote given by the Cyprus representative shall be final.

Section 15 *Procedure if a position decided by the Presidential Council or the Group needs to be urgently adapted*

When the position of Cyprus is decided by the Presidential Council or, upon delegation, by the Committee, and it needs to be urgently adapted in the course of a meeting of a European Union institution or organ, the respective representative of Cyprus shall immediately inform the members of the Committee. If a consensus among the members of the Committee cannot be obtained in time on the position to be adopted, the representative of Cyprus shall abstain, except in cases where s/he has received from the Presidential Council or, upon delegation, from the Committee, clear freedom to choose the position that will more likely address the general interests of Cyprus. In such circumstances, the vote given by the Cyprus representative shall be final.

Section 16 *Representative of Cyprus in the Council of the European Union*

- 1) By virtue of Article 19.3 of the Constitution and in compliance with Article 203, paragraph 1, of the Treaty establishing the European Community, Cyprus shall be

represented in the Council by a Member of the Presidential Council, where the matters to be discussed in the Council are among those mentioned in section 4².

- 2) Such representative shall be appointed by the Presidential Council.
- 3) The representatives of Cyprus in the Council shall be notified to the said Council's Secretariat General. Such representatives attending meetings of the Council or, in their absence, the Permanent Representative of Cyprus to the European Union or any officer of the Permanent Representation acting under and in accordance with the Permanent Representative's instructions, shall have the exclusive right to make legally binding declarations as mandated.

Section 17 Appointment of Member of the Commission

- 1) With due regard to Article 214 of the Treaty establishing the European Community, and in concert with the Governments of the Member States of the European Union, the Presidential Council shall indicate the name of the Cypriot nominee for appointment as Member of the Commission.
- 2) In so doing, the Presidential Council shall nominate persons from both constituent states in the proportion of two to one between the Greek Cypriot State and the Turkish Cypriot State respectively. The second Commissioner to be indicated by Cyprus shall not hail from the same constituent state as the first. Thereafter, no more than two consecutive Commissioners shall hail from the same constituent state.

Section 18 Appointment of Judges, Advocates-General and Members of the Court of Auditors

- 1) The procedure and proportion provided for in section 17 shall apply, with due regard to Articles 223 and 225 of the Treaty establishing the European Community, for the appointment of Judges and Advocates-General at the Court of Justice of the European Communities and the Court of First Instance of the European Communities and, with due regard to Article 247 of the same Treaty, for the appointment of the Members of the Court of Auditors of the European Communities. A Judge hailing from the Turkish Cypriot State shall, on a rotational basis, occupy the seat of Cyprus in each of the three Courts, with the Court of Auditors being last.
- 2) The Presidential Council shall suggest candidates for the European Court of the Communities and the European Court of First Instance. The candidates for Judgeship shall meet the requirements for appointment set out in the European Union Treaties (Treaty on European Union Article 223.5). Each constituent state shall send a list of their nominations for Judgeship and for the post of Advocate-General to the Presidential Council.

² Representation, where matters to be discussed in the Council fall predominantly or exclusively into an area of competence of the constituent states is governed by the Cooperation Agreement between the Federal Government and the Constituent States on European Union Affairs

Section 19 *Department of European Union Affairs*

- 1) The Department of European Union Affairs shall be composed of no less than eighty percent (80%) federal public officers and up to twenty per cent (20%) public officers seconded from time to time, in equal numbers, from the constituent states.
- 2) The authority of the Minister of European Union Affairs shall extend to all those on secondment at the Department from the federal government and the constituent states.

Section 20 *Coordination of federal and constituent state public authorities*

Subject to the provisions of the Cooperation Agreement between the Federal Government and the Constituent States on European Union Affairs, the Department of European Union Affairs shall coordinate the work of the public authorities and public bodies of the federal government and the constituent states in dealing with European Union matters.

Section 21 *Permanent representation of Cyprus to the European Union*

- 1) Postings to the Permanent Representation of Cyprus to the European Union shall be decided by the Presidential Council.
- 2) The Permanent Representation of Cyprus to the European Union shall comprise, in addition to members of the diplomatic service, public officers of the Department of European Union Affairs, as well as of other departments. It shall also comprise public officers from the constituent states, on secondment, in similar numbers from each constituent state.
- 3) Subject to the provisions of the Federal Law on External Relations, the Permanent Representative of Cyprus to the European Union shall be designated among the public officers of the Department of Foreign Affairs. S/he shall not hail from the same constituent state as the Minister of Foreign Affairs.
- 4) The Deputy Permanent Representative of Cyprus to the European Union shall be designated among the public officers of the Department of European Union Affairs. S/he shall not hail from the same constituent state as the Minister of European Union Affairs.
- 5) The Ambassador of Cyprus to the Political and Security Committee shall be designated among the public officers of the Department of Foreign Affairs.
- 6) When a change in the composition of the Presidential Council leads, by virtue of subsections (3) and (4), to a need to change the persons appointed as Permanent Representative and Deputy Permanent Representative of Cyprus to the European Union, the transfers thus required shall take place within a period of six months from the date of change in the composition of the Presidential Council.
- 7) Subject to the provisions of the Federal Law on External Relations, the Permanent Representation of Cyprus to the European Union shall receive

instructions from the Minister of European Union Affairs and the Presidential Council in accordance with the provisions of this Law.

Section 22 *Regulations*

The Presidential Council may make regulations to be published in the Gazette for the better application of the provisions of this Law.

Section 23 *Transitional provision*

The provisions of this Law shall apply *mutatis mutandis* during the transitional periods provided for in the Foundation Agreement.

ATTACHMENT 4: FEDERAL LAW ON CITIZENSHIP OF THE UNITED CYPRUS REPUBLIC

[insert agreed text by no later than 25 March 2003. If agreement is not reached on indispensable provisions of this law by that date, the United Nations Secretary-General shall insert his suggestion for completing such provisions, which shall be put to referenda with the rest of the Foundation Agreement.]

Article 1 General provisions

This Law determines the conditions for the acquisition [and loss] of Cypriot citizenship, in accordance with the terms of the Foundation Agreement, the Constitution and international and European Union standards.

Article 2 [Dual citizenship]

[insert article, if any.]

Article 3 Cypriot citizenship upon entry into force of the Foundation Agreement

Upon entry into force of the Foundation Agreement, the following persons shall be considered citizens of the United Cyprus Republic:

- a. Any person who held Cypriot citizenship in 1963 and his or her descendants and the spouses of such citizens; and
- b. Any person whose name figures on a list handed over to the Secretary-General of the United Nations by each side no later than 25 March 2003. Each side's list may number no more than **45,000 persons**, inclusive of spouses and children, unless there are specific reasons preventing such spouses and children from being considered Cypriot citizens. The list shall contain the name of each person and the basis for their inclusion on the list, as well as, where relevant, the date of their entry into Cyprus. Applicants shall be included on the list based on the following criteria and in the following order of priority:
 - i) persons 18 years of age or older who enjoyed permanent residence in Cyprus²⁵ for at least seven years before reaching the age of 18 and for at least

²⁵ **Observation:** The term Cyprus here is to be understood in the sense of the island of Cyprus excluding the Sovereign Base Areas and in light of Main Article 12 of the Foundation Agreement.

- one year during the last five years and their minor children who enjoy permanent residence in Cyprus;
- ii) other persons who have enjoyed permanent residence in Cyprus for more than seven consecutive years, based on the length of their stay.

Should one side fail to produce a list in time, it shall be prepared by the Citizenship Board. A person living under the administration of the relevant constituent state may apply to the Citizenship Board to be included on the list within one month of publication of a notice in the federal Official Gazette, which notice shall also be published in the main newspapers of the relevant constituent state.

The lists shall be published in the federal Official Gazette. Any person who can demonstrate that s/he was wrongly omitted from a list or that someone else was wrongly included may submit a complaint with evidence to the Citizenship Board within three months of publication of the relevant Official Gazette. The Citizenship Board shall determine any such disputes without delay and be empowered to rectify the lists in accordance with the above criteria and order of priority with retroactive effect.

Article 4 *Acquisition of Cypriot citizenship*

Cypriot citizenship is acquired in accordance with the provisions of this law:

- a. Automatically by birth, where either parent is a Cypriot citizen;
- b. By naturalisation; or
- c. [insert additional articles, if any].

Article 5 *Acquisition by naturalisation*

A foreigner may submit a request for acquisition of Cypriot citizenship if s/he fulfils the following conditions:

- a. S/he has reached 18 years of age;
- b. S/he has enjoyed permanent residence in Cyprus for at least **nine** consecutive years, including for no less than four years after entry into force of the Foundation Agreement, before submitting a request **(time spent in Cyprus on the basis of a permit as a student or temporary academic staff of a university shall not be counted for the purpose of this paragraph);**
- c. S/he has **some** knowledge of one of the official languages of Cyprus;
- d. S/he is not the object of a security measure or a protective measure to remove him/her from **the territory** of the United Cyprus Republic undertaken by an authority of the federal government or the constituent states in accordance with their respective laws; and

- e. S/he was not sentenced to a term of imprisonment for a premeditated criminal act for longer than one year within seven years of the submission of the request.

Article 6 *Acquisition by facilitated naturalisation*

Cypriot citizenship may be acquired through facilitated naturalisation:

- a. Upon request, by spouses of persons who have or acquire Cypriot citizenship in accordance with these provisions, provided they have been married for at least two years; or
- b. Automatically by minor children of persons who acquire Cypriot citizenship in accordance with these provisions.

Article 7 *Loss of Cypriot citizenship*

[insert article, if any]

Article 8 *Passports*

1. The Citizenship Board shall issue passports to Cypriot citizens in accordance with these provisions.
2. During an interim period of **six months**, the Citizenship Board shall stamp travel documents of citizens issued prior to entry into force of the Foundation Agreement, testifying to the recognition of these documents by the United Cyprus Republic.

Article 9 *The Citizenship Board*

1. The Citizenship Board shall be composed of **six** persons, **three** hailing from each constituent state, and the chair shall rotate on an annual basis.
2. For the first two years of its operation, the Citizenship Board shall, in addition, comprise two non-Cypriots who are not citizens of Greece, Turkey or the United Kingdom. The non-Cypriots may simultaneously serve on the Aliens Board.
3. The members of the Citizenship Board shall be appointed by the Presidential Council and confirmed by Parliament by special majority.

Article 10 *Implementation of this law*

1. The Citizenship Board shall be entrusted with the implementation of this law and shall adopt rules and regulations for this purpose.

2. The Citizenship Board shall appoint and supervise agents who shall process requests relating to Cypriot citizenship, in accordance with this law and its rules and regulations.

Article 11 Review of decisions on citizenship

1. There shall be a right of appeal to the Citizenship Board from decisions by agents of the Board regarding citizenship.
2. Decisions of the Citizenship Board are subject to review by the Supreme Court.

Article 12 Transitional rules and regulations

Until the federal Parliament adopts detailed rules and regulations governing citizenship, the Citizenship Board shall adopt such rules and regulations in accordance with these provisions and the abovementioned international instruments, bearing in mind the obligations of Cyprus under the Treaty of Accession to the European Union.

ATTACHMENT 5: FEDERAL LAWS ON ALIENS, IMMIGRATION AND ASYLUM

[insert agreed text by no later than 25 March 2003. If agreement is not reached on indispensable provisions of this law by that date, the United Nations Secretary-General shall insert his suggestion for completing such provisions, which shall be put to referenda with the rest of the Foundation Agreement.]

Law 1: Federal Law on Aliens and Immigration

Article 1 General provisions

This Law prescribes the conditions for residency, immigration and asylum, in accordance with the terms of the Foundation Agreement, the Constitution and international and European Union standards.

Article 2 Entry and residency rights of Greek and Turkish nationals

1. The United Cyprus Republic shall grant equal treatment to Greek and Turkish nationals with respect to entry and residency rights to the extent permissible under European Union law and the Treaty of Accession of Cyprus to the European Union.
2. Upon entry into force of the Foundation Agreement, the Aliens Board shall authorise the constituent states to grant permanent residence to nationals of Greece up to a level of 10% of the number of resident Cypriot citizens who hold the internal constituent state citizenship status of the Greek Cypriot State and to nationals of Turkey up to a level of 10% of the number of resident Cypriot citizens who hold the internal constituent state citizenship status of the Turkish Cypriot State. Such nationals who do not so receive permanent residence may apply for financial assistance to relocate to their country of origin if they have lived in Cyprus²⁶ for no less than five years. Such assistance shall be in the form of cash grants payable on their arrival in their country of origin, within five years of entry into force of the Foundation Agreement. The amount of the grant shall be in accordance with a scale, based on a figure of no less than 10,000 Euros for a household of four.²⁷

²⁶ **Observation:** The term Cyprus here is to be understood in the sense of the island of Cyprus excluding the Sovereign Base Areas and in light of Main Article 12 of the Foundation Agreement.

²⁷ **Observation:** The services of the International Organisation for Migration could be requested in this regard.

3. The Aliens Board shall not authorise further immigration of Greek nationals if the number of permanent residents who are Greek nationals has reached **5%** of the number of resident Cypriot citizens who hold the internal constituent state citizenship status of the Greek Cypriot State nor shall it authorise further immigration of Turkish nationals if the number of permanent residents who are Turkish nationals has reached **5%** of the number of resident Cypriot citizens who hold the internal constituent state citizenship status of the Turkish Cypriot State.²⁸
4. **Limitations on immigration of Greek and Turkish nationals shall not apply to full-time students and temporary academic staff of universities, for up to a period of seven years. The Aliens Board shall issue regulations regarding the conditions under which students may hold limited gainful employment.**

Article 3 *Asylum*

The Aliens Board shall grant asylum in accordance with the 1951 Geneva Convention on the Status of Refugees and its 1967 Protocol, the 1997 Dublin Convention on Asylum Seekers, the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms and its Additional Protocols which are in force for the United Cyprus Republic, as well as other relevant international instruments in force for the United Cyprus Republic.

Article 4 *The Aliens Board*

1. The Aliens Board shall be composed of **six** persons, **three** hailing from each constituent state, and the chair shall rotate on an annual basis.
2. For the first two years of its operation, the Aliens Board shall, in addition, comprise two non-Cypriots who are not citizens of Greece, Turkey or the United Kingdom. The non-Cypriots may simultaneously serve on the Citizenship Board.
3. The members of the Aliens Board shall be appointed by the Presidential Council and confirmed by Parliament by special majority.

Article 5 *Implementation of this law*

1. The Aliens Board shall be entrusted with the implementation of this law and shall adopt rules and regulations for this purpose.

²⁸ **Observation:** In accordance with international practice, for the purpose of this Article, persons who are citizens of both Cyprus and Greece or Turkey shall be counted as citizens of Cyprus only.

2. The Aliens Board shall appoint and supervise agents who shall process requests relating to immigration, asylum, deportation or extradition in accordance with this law and its rules and regulations.

Article 6 *Review of decisions on immigration, asylum, deportation and extradition*

1. There shall be a right of appeal to the Aliens Board from decisions by agents of the Board regarding immigration, asylum, deportation or extradition.
2. Decisions of the Aliens Board are subject to review by the Supreme Court.

Article 7 *Transitional rules and regulations*

Until the federal Parliament adopts detailed rules and regulations governing immigration, asylum, deportation and extradition, the Aliens Board shall adopt such rules and regulations in accordance with these provisions and the abovementioned international instruments, bearing in mind the obligations of Cyprus under the Treaty of Accession to the European Union.

[insert further agreed text no later than 25 March 2003. If agreement is not reached by that date, the constituent states shall, *ad interim*, exercise the functions governed by this law, upon entry into force of the Foundation Agreement. A committee established by the Co-Presidents shall present a common draft of this law for approval by the transitional federal Parliament no later than 15 October 2003. The transitional Parliament shall resolve any outstanding issues regarding the law and adopt it no later than 15 November 2003. Should the law not be adopted by the transitional Parliament by the specified date, the Supreme Court shall decide on the unresolved issues giving due regard to the positions of both constituents and promulgate the law within six weeks of that date.]

Law 2: Federal Law on Refugees

**Law 3: Federal Law on the Free Movement of Residents or the
Nationals of the Member States of the European Union and
their Families**

Law 4: Federal Law on the Extradition of Fugitives

ATTACHMENT 6: FEDERAL LAW ON THE CENTRAL BANK

[insert agreed text by no later than 25 March 2003. If agreement is not reached on indispensable provisions of this law by that date, the United Nations Secretary-General shall insert his suggestion for completing such provisions, which shall be put to referenda with the rest of the Foundation Agreement.]

Part I: TRANSITIONAL PROVISIONS

Article 1 *Exchange of deposits of citizens and residents of Cyprus and accounts in foreign currency*

The Central Bank of Cyprus shall, upon request within three months of entry into force of the Foundation Agreement, exchange or procure exchange by local banks of deposits held by citizens and residents of Cyprus (including legal persons) in Turkish lira in banks in Cyprus on the date of entry into force of the Foundation Agreement into Cyprus pounds at the rate at which the Bank of Turkey shall credit the relevant amounts to the Bank of Cyprus in Euros, being at the Cyprus pound/Turkish Lira rate of exchange as determined by the market rate of the two currencies in terms of Euro. **Any Cypriot citizen or resident shall, in addition, be entitled to exchange up to one billion Turkish lira in cash within three months of entry into force of the Foundation Agreement.**